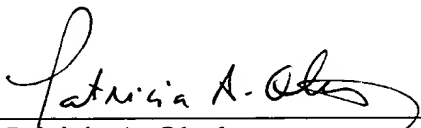


**REMARKS**

In the Office Action dated January 31, 2006, the Examiner objected to the Declaration currently on file for the present application because it did not aver that the new variety was found in a cultivated area. Although a timely Response to the Office Action was filed on April 28, 2006, a Substitute Declaration was not available at that time. Please find enclosed a Substitute Declaration that states that 'Pendec' was found in a cultivated area. In light of this submission, removal of the objection to the Declaration is respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

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